

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. PATH calculated the petitioner's eligibility by including both her income, which was subjected to a standard

\$134 deduction, and her son's income, which was subjected to a twenty percent earned income deduction (\$141.90). The total countable income of the household was determined to be \$1,241.60 per month. PATH also gave the petitioner a deduction of \$21 per month for excess medical expenses based on a report of \$56 per month in unreimbursed medical expenses and a shelter deduction of \$212.70 per month. The shelter deduction was calculated by adding together the petitioner's rent payment of \$457 per month and a standard utility allowance of \$366 per month for a total housing cost of \$823 per month. PATH deducted the portion of her housing expense, \$212.70, which was the amount in excess of fifty percent of the total countable income of \$1,220.60 after the other deductions were taken. The net countable income for Food Stamp purposes was determined to be \$1,007.90. PATH determined that a two-person household with this amount of money is ineligible for any Food Stamps under its regulations.

4. The petitioner was notified of her denial and sent a copy of the calculations on January 17, 2003. She appealed that denial on January 23, 2003. The reason for the appeal was that nothing had changed in her household since she was last found eligible for Food Stamps. She also believes that her son should not be included in her Food Stamp household

since he does not contribute towards the household or her personal food purchase in any way.

5. PATH agrees that there has been no change in her household circumstances since last year. However, last year a \$750 per month rent figure was erroneously used to figure the petitioner's shelter allowance. That figure represents the total contract rent on her apartment, including the portion paid by the housing authority. The petitioner agrees that the amount of the contract rent she actually pays is only \$457 per month and that use of the higher figure was a mistake.

ORDER

The decision of PATH is affirmed.

REASONS

Under PATH's Food Stamp regulations, "a group of individuals who live together and customarily purchase food and prepare meals together for home consumption" must be considered as a household for purposes of Food Stamp eligibility. F.S.M. 273.1(a)1(iii). Under a "special definition" in the same regulation, "parents living with their natural, adopted or step-children 21 years of age or younger" "shall be considered as customarily purchasing food and preparing meals together, even if they do not do so." F.S.M.

273.1(a)2 (I)(C). PATH was correct under this regulation to include the petitioner's twenty-one-year-old son in her household since he lives with her. When he turns twenty-two, the petitioner can be a separate food stamp household from her son provided they do not customarily purchase and prepare meals together.

PATH's regulations require the counting of earned income subject to an earned income deduction of twenty percent, F.S.M. 273.9(d)(2), and unearned income from Social Security. From this total a one household standard deduction of \$134 is taken. F.S.M. 273.9(d)(1). The regulations allow a further deduction of medical expenses in excess of \$35 per month, F.S.M. 273.9(d)(3), and an excess shelter deduction of the amount in excess of the household's income after all of the other deductions have been taken. F.S.M. 273.9(d)(5). PATH correctly gave the petitioner all of the deductions to which she was entitled under the regulations.

The resulting countable income of \$1,007.90 must be compared to the table of allotments for Food Stamp Coupons which shows that \$995 is the maximum net income that a two-person household can have to receive Food Stamps. P-2590 D10. The petitioner is over the maximum, albeit by only \$13. As PATH has correctly denied the petitioner under its

regulations, the Board must uphold the result. 3 V.S.A. § 1391(d). The petitioner is advised to reapply if her situation should change in the future, particularly near the time her son is to turn twenty-two, when a different rule can be applied.

#